IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24824 of 2004

Between:

K.Amul, s/o Baban Rao, aged 29 years, Occ: Owner of Jeep No.AP-01-T-6029, r/o Bela Village & Mandal, Adilabad District.

..... PETITIONER

AND

1 The Regional Transport Officer, Adilabad, Adilabad District.
2 The Motor Vehicles inspector, Adilabad (Hqrs.), Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of a writ of Mandamus declaring the seizure and detention of the petitioner's vehicle i.e., Maxi-cab LMV jeep bearing registration No.AP-01-T-6029 seized under vehicle check report in C.No.0963281 dated 10-12-2004 by the 2nd respondent as illegal, arbitrary, improper, unjust, unconstitutional, violation of principles of natural justice and consequently direct the respondents to release the petitioner's vehicle i.e., MAXI-Cab LMB Jeep bearing registration no.AP-01-T-6029 forthwith to the petitioner pending enquiry.

Counsel for the Petitioner: MR.S.SURENDER REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

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ORDER:

The petitioner has filed this writ petition seeking a direction to the respondents to release his Vehicle i.e. Maxi-Cab LMV Jeep bearing Registration No.AP-01-T-6029.

The 2nd respondent seized the petitioner's vehicle under check report bearing No.0963281, dated 10.12.2004 for violation of certain irregularities and handed over it to the 1st respondent.

The learned counsel for the petitioner has contended that the petitioner is a poor person and that he made a representation, dated 15.12.2004 to the 1st respondent requesting him to release the vehicle, but the 1st respondent refused to release the vehicle. Therefore, he prays to grant interim custody of the vehicle to the petitioner. The counsel has further contended that if any violations are made, the petitioner will be liable to pay the amount.

The learned Government Pleader for Transport has opposed the application filed by the petitioner on the ground that the petitioner has to approach the 1st respondent-Transport authority for grant of interim custody of the vehicle and appropriate orders have to be passed by the 1st respondent, but the petitioner, without approaching the 1st respondent has filed this writ petition.

As per the check report, dated 10.12.2004, the

2nd respondent seized the Jeep of the petitioner for violation of certain irregularities. Though it is asserted in the affidavit that the petitioner made a representation, dated 15.12.2004, the

1st respondent has not taken any steps for grant of interim custody of the vehicle since the vehicle is being used for travelling purposes. Therefore, it would be appropriate to direct the interim custody of the vehicle to the petitioner.

In the light of the above circumstances, the

1st respondent-Regional Transport Authority is directed to release the vehicle of the petitioner for interim custody on condition that the petitioner deposits Rs.5,000/- (Rupees Five Thousand Only) on the following terms and conditions.

1. *that the petitioner shall not transfer the vehicle to any other person without the permission of the 1st respondent.*

2. *that the petitioner shall not change the engine or any part of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required by the authorities concerned.*

4. *that the petitioner shall participate in the enquiry that is going to be conducted by the 1st respondent after receipt of show cause notice by filing his explanation.*

5. *that the tax, if any, may be adjusted out of the amount deposited by the petitioner.*

The 1st respondent may take further steps for recovery of the tax from the petitioner.

The writ petition is disposed of in terms of the above directions. There shall be no order as to costs.

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(K.C. BHANU, J.)

Dated: 30.12.2004

Note:

Issue Operative portion by

Wire at party's costs

B/o.

Dsr

To:

1. The Regional Transport Officer,

Adilabad, Adilabad District

2. The Motor Vehicles Inspector,

Adilabad Head Quarters,

Adilabad District

3. Two CCs to the Government Pleader

for Transport, High Court Buildings,

Hyderabad (OUT).

4. Two CD copies.

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